

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2008-CA-00782-COA

MARTHA VIA

APPELLANT

v.

**MISSISSIPPI FARM BUREAU FEDERATION,
RANKIN COUNTY FARM BUREAU, RURAL
INSURANCE AGENCY, INC., SOUTHERN
FARM BUREAU LIFE INSURANCE COMPANY,
SOUTHERN FARM BUREAU CASUALTY
COMPANY, MISSISSIPPI FARM BUREAU
CASUALTY INSURANCE COMPANY A/K/A
FARM BUREAU CASUALTY INSURANCE
COMPANY, TOMMY ALLEN, MARCUS
MARTIN, AND DAN MARTIN**

APPELLEES

DATE OF JUDGMENT:	02/12/2008
TRIAL JUDGE:	HON. BOBBY BURT DELAUGHTER
COURT FROM WHICH APPEALED:	HINDS COUNTY CIRCUIT COURT
ATTORNEYS FOR APPELLANT:	MARK THOMAS MCLEOD MITCHELL HARRY TYNER
ATTORNEYS FOR APPELLEES:	DALE G. RUSSELL KEN R. ADCOCK SAM E. SCOTT ELLEN PATTON ROBB
NATURE OF THE CASE:	CIVIL - CONTRACT
TRIAL COURT DISPOSITION:	MOTION TO DISMISS BASED UPON STATUTE OF LIMITATIONS GRANTED
DISPOSITION:	APPEAL DISMISSED: 11/10/2009
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

CONSOLIDATED WITH

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FARM BUREAU LIFE INSURANCE COMPANY,
SOUTHERN FARM BUREAU CASUALTY
INSURANCE COMPANY, MISSISSIPPI FARM
BUREAU CASUALTY INSURANCE COMPANY
A/K/A FARM BUREAU CASUALTY
INSURANCE COMPANY, TOMMY ALLEN,
MARCUS MARTIN, AND DAN MARTIN**

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EN BANC.

KING, C.J., FOR THE COURT:

¶1. Martha Via was one of five plaintiffs, including Barbara Rigdon, who filed a joint action against Mississippi Farm Bureau Federation, Rankin County Farm Bureau, Rural Insurance Agency, Inc., Southern Farm Bureau Life Insurance Company, Southern Farm

Bureau Casualty Insurance Company, Mississippi Farm Bureau Casualty Insurance Company, Tommy Allen, Marcus Martin, and Dan Martin (hereinafter collectively referred to as “the Appellees”) in the Circuit Court of Claiborne County on August 30, 1999. The claims alleged breach of contract, tortious breach of contract, fraud, conspiracy, intentional misrepresentation, negligent misrepresentation, intentional infliction of emotional distress, and negligent infliction of emotional distress.

¶2. Our supreme court ordered a severance of the cases. Thereafter, Via re-filed her claims in the Circuit Court of Hinds County, as did Rigdon, and the Appellees filed a motion to dismiss the claims. The trial court found that Via was statutorily barred from bringing the action and dismissed the case. Aggrieved, Via appeals the trial court’s dismissal of her complaint.

¶3. On November 3, 2009, this Court issued its opinion in *Barbara Rigdon v. Mississippi Farm Bureau Federation*, 2008-CA-00777-COA, which dismissed that appeal for lack of jurisdiction. The material facts and controlling law in *Rigdon* and Via’s case are the same. Therefore, for the reasons set forth in *Rigdon*, this Court dismisses Via’s appeal for lack of jurisdiction.

¶4. **THE APPEAL IS DISMISSED FOR LACK OF JURISDICTION. ALL COSTS OF THIS APPEAL ARE ASSESSED TO THE APPELLANT.**

LEE AND MYERS, P.JJ., IRVING, BARNES, ISHEE, ROBERTS AND CARLTON, JJ., CONCUR. GRIFFIS AND MAXWELL, JJ., NOT PARTICIPATING.